

E-Filed 3/24/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

HERMINIA LORENZO CRUZ

Plaintiff,

v.

INTERNATIONAL COLLECTION
CORPORATION, a California corporation,
CHARLES D. HENDRICKSON, individually and
in his official capacity,

Defendant

Case Number C 08-991 JF (RS)

ORDER¹ DENYING DEFENDANTS'
MOTION FOR RECONSIDERATION

Re: Doc. 72

Defendants International Collection Corporation ("ICC"), Charles Hendrickson ("Hendrickson"), and Franklin Love ("Love") (collectively "Defendants") seek reconsideration of the Court's order of December 18, 2009 awarding Plaintiff Herminia Lorenzo Cruz ("Cruz") statutory damages, statutory penalties, and attorney fees and costs under the Fair Debt Collection Practices Act ("FDCPA") and the California Rosenthal Fair Debt Collection Practices Act ("RFDCPA").

¹ This disposition is not designated for publication in the official reports.

1 For the reasons set forth below, the motion will be denied. Cruz did not seek, and was not
2 awarded, statutory damages under the RFDCPA. On September 30, 2009, the Court granted Cruz
3 summary judgment on her FDCPA claim but inadvertently did not include an award of damages.
4 Cruz then filed a motion seeking alteration and amendment of the judgment to include an award
5 of statutory damages, fees and costs under the statute. The order of December 18, 2009 awarded
6 Cruz \$1,000.00 in damages as well as reasonable attorney's fees and costs according to proof.

7 Defendants also claim that because Cruz did not provide any evidence of damages, she
8 should not have been awarded damages under the FDCPA. However, the Court already has held
9 that the FDCPA is a strict liability statute. Statutory damages are based upon the Court's
10 assessment of the frequency and persistence of noncompliance by the debt collector, the nature of
11 the noncompliance, and the extent to which the noncompliance was intentional. *See* 15 U.S.C. §
12 1692(k)(a)(2)(A). Defendants offer no new arguments as to why the \$1,000 statutory award is
13 erroneous. Accordingly, the motion will be DENIED.

14 **IT IS SO ORDERED.**

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16 DATED: March 24, 2010

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19 JEREMY FOGEL
20 United States District Judge
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